

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DERRICK SATCHELL, *et al.*,

No. C 03-2659 SI; No. C 03-2878 SI

Plaintiffs,

**ORDER GRANTING DEFENDANT'S
MOTION FOR COUNTERCLAIM AND
INTERPLEADER RELIEF**

v.

FEDEX EXPRESS,

Defendant.

Defendant's unopposed motion for counterclaim and interpleader relief is scheduled for a hearing on July 11, 2008. Pursuant to Civil Local Rule 7-1(b), the Court determines that the matter is appropriate for resolution without oral argument, and VACATES the hearing.

DISCUSSION

Defendant and the named plaintiffs have agreed to settle plaintiffs' non-class claims with prejudice. A dispute has arisen among plaintiffs' counsel regarding entitlement to attorneys' fees related to representation of the named plaintiffs on the non-class claims, and as a result, defendant seeks to interplead 40% of the settlement funds in order to protect itself against duplicative claims for attorneys' fees and/or costs. The settling plaintiffs have agreed to an interpleader action. No opposition has been filed.

The Court finds that interpleader is an appropriate and necessary safeguard while the attorneys' fees and costs issues are adjudicated. Mr. McCoy filed a notice of appeal of this Court's April 2, 2008 order, and once that appeal is exhausted, this Court can resolve the competing claims to attorneys' fees. Impleading the funds will protect FedEx against multiple claims for fees, will protect the competing


1 claimants to the fees while Mr. McCoy's appeal is pending, and will allow the parties to finalize the
2 settlements and dismiss the named plaintiffs' non-class claims with prejudice.

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4 **CONCLUSION**

5 For the foregoing reasons, the Court GRANTS defendant's motion for counterclaim and
6 interpleader relief. (Docket No. 857). The Clerk shall retain control in the Court's registry of the funds
7 which have already been wired to the Court. After Mr. McCoy's appeal has been resolved, the Court
8 shall determine how the interplead funds should be disbursed. The named plaintiffs shall file a dismissal
9 with prejudice of their non-class claims no later than **July 11, 2008**.

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11 **IT IS SO ORDERED.**

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13 Dated: July 8, 2008

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16 SUSAN ILLSTON
17 United States District Judge
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